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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5974 of 2007
Date of decision: 20.11.2007

Balbir Singh and others

...Petitioners

Versus

Shri Ram Singh Dhillon and others

..Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. R.C.Dimri, Advocate for the petitioners.

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RAJESH BINDAL, J.

The petitioners/defendants have approached this Court by filing the present petition challenging order dated August 3, 2005 (Annexure P-1) and the order dated November 12, 2007 (Annexure P-3) passed by learned Civil Judge (Junior Division) and learned Additional Civil Judge (Senior Division), Hoshiarpur respectively.

Respondent no.1/plaintiff had filed a suit for mandatory injunction directing the petitioners/defendants to remove pavement made on the site in dispute and also for permanent injunction restraining them from encroaching upon the same in future. The suit was filed on March 3, 2000. The issues were framed on August 21, 2001 and respondent no.1/plaintiff closed his evidence on January 14, 2003. Thereafter, in spite of number of adjournments having been availed of by the petitioners, no evidence was produced and ultimately the same was closed by order of the Court on August 3, 2005. Without there being any enabling provisions, the petitioners filed application for review of the order dated August 3, 2005 closing the evidence of the petitioners, which was declined by passing the order dated November 12, 2007. Seeing the conduct of the petitioners and the fact that for more than 2-1/2 years after closing of evidence by

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respondent no.1/plaintiff, the petitioners did not lead any evidence and ultimately the same has to be closed by order of the Court on August 03, 2005, I do not find any illegality has been committed by the Courts below in refusing the prayer made by the petitioners. The efforts seem to be to delay the proceedings of the suit.

Accordingly, the revision petition is dismissed.

November 20, 2007 **(Rajesh Bindal)**
Pka **Judge**